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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,649

09/27/2005

Merrick White

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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

NOTIFICATION DATE

DELIVERY MODE

05/10/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com  
akron-docket@hotmail.com

## Office Action Summary

Application No.

10/550,649

Applicant(s)

WHITE, MERRICK

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26-28, 33-36 and 42-45 is/are rejected.
- 7) ☒ Claim(s) 25, 29-32 and 37-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/27/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

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## **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 22-24, 26-28 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hackstock (6,286,352). See Figures 1, 3 and 4 where the sheet metal strip 24 is fed through rolls so that the sheet is differentially stretched by roll assembly 20 along end 68 (see column 4, lines 37-45), roll formed into a profiled section by roll assembly 22 (see column 4, lines 46-54) and bent into its cambered profile by feeding the sheet material through a sweep bender (see column 4, lines 55-65). Claim 28 is considered an inherent feature, as the sweep bender will cause bending about a fulcrum to impart the longitudinal bend to the sheet material.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hackstock (6,286,352). While Hackstock does not provide details of the bending apparatus, it is the

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examiner's position that it is well known in the sweep bending art to use a three-point bender where rolls are successively arranged to deflect the sheet material. See, for example, Renzzulla (6,820,451). Accordingly, because of this well known sweep forming operation, it would have been obvious to use a three point bender to perform the sweep as discussed by Hackstock, thus, facilitating the smooth curve within the sheet material.

Claims 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitsukawa (4,627,254). See Figures 22-26 where the shearing assembly comprises a cutting block 53 and a cutting element 62 with the shearing assembly pivotally mounted to a frame at 80a and 80b. The shearing assembly is height adjustable by bolts 77a and 77b.

Claims 42-45 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Tishken (3,111,054) in view of Kitsukawa (4,627,254). Tishken shows that the cutting element 111 and cutting block 107 are pivotally mounted to the frame 1 by virtue of pivot bearings 90 so as to angularly adjust the cutting element and cutting block relative to the frame 1. Jack 10 assists in raising and lowering the cutting element and cutting block. Tishken does not indicate that the cutting element and cutting block is a shearing assembly. Such are common in the art as evidenced by Kitsukawa at 50, 53 and 62 where shearing of the material X' is performed so as to provide a clean cut in the material. It would have been obvious to the skilled artisan at the time of the invention to have modified Tishken's cutting element 111 and cutting block 107 by using a shearing assembly where the cutting is effected by a shearing action as taught by Kitsukawa for the above noted motivation.

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### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 25, 29-32 and 37-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

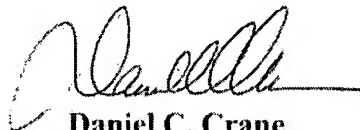
Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any

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transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane  
April 30, 2007



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725